

ASSEMBLY BILL

No. 1481

Introduced by Assembly Member Granlund

February 26, 1999

An act to amend Section 41781.3 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1481, as introduced, Granlund. Solid waste landfills: alternative daily cover: diversion.

(1) The existing California Integrated Waste Management Act of 1989 requires each city and county to divert 50% of all solid waste by January 1, 2000, through source reduction, recycling, and composting activities. Existing law provides that the use of solid waste for beneficial reuse in the construction and operation of a solid waste landfill, including use of alternative daily cover, that reduces or eliminates the amount of solid waste being disposed, constitutes diversion through recycling and is not considered disposal for purposes of the act.

This bill would provide that the use of alternative daily cover, as defined by the California Integrated Waste Management Board, for that purpose does not constitute diversion through recycling and shall be considered disposal for purposes of the act. By eliminating the diversion credit for that use of alternative daily cover, and thereby requiring cities and counties to divert additional solid waste in order to meet the diversion goal, the bill would impose a state-mandated local program.

(2) Existing law requires the board to establish conditions for the use of alternative daily cover, as specified.

This bill would eliminate those provisions.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 41781.3 of the Public Resources
2 Code is amended to read:

3 41781.3. ~~(a) The use of solid waste for beneficial~~
4 ~~reuse in the construction and operation of a solid waste~~
5 ~~landfill, including use of alternative daily cover, which~~
6 ~~that~~ reduces or eliminates the amount of solid waste being
7 disposed pursuant to Section 40124, shall constitute
8 diversion through recycling and shall not be considered
9 disposal for the purposes of this division. *The use of*
10 *alternative daily cover, as defined by the board, for that*
11 *purpose shall not constitute diversion through recycling*
12 *and shall not be considered disposal for the purposes of*
13 *this division.*

14 ~~(b) Prior to December 31, 1997, pursuant to the~~
15 ~~board's authority to adopt rules and regulations pursuant~~
16 ~~to Section 40502, the board shall, by regulation, establish~~
17 ~~conditions for the use of alternative daily cover that are~~
18 ~~consistent with this division. In adopting the regulations,~~
19 ~~the board shall consider, but is not limited to, all of the~~
20 ~~following criteria:~~

1 ~~(1) Those conditions established in past policies~~
2 ~~adopted by the board affecting the use of alternative daily~~
3 ~~cover.~~

4 ~~(2) Those conditions necessary to provide for the~~
5 ~~continued economic development, economic viability,~~
6 ~~and employment opportunities provided by the~~
7 ~~composting industry in the state.~~

8 ~~(3) Those performance standards and limitations on~~
9 ~~maximum functional thickness necessary to ensure~~
10 ~~protection of public health and safety consistent with~~
11 ~~state minimum standards.~~

12 ~~(e) Until the adoption of additional regulations, the~~
13 ~~use of alternative daily cover shall be governed by the~~
14 ~~conditions established by the board in its existing~~
15 ~~regulations set forth in paragraph (3) of subdivision (b)~~
16 ~~of, and paragraph (3) of subdivision (c) of, Section 18813~~
17 ~~of Title 14 of the California Code of Regulations, as those~~
18 ~~sections read on the effective date of this section, and by~~
19 ~~the conditions established in the board's policy adopted~~
20 ~~on January 25, 1995.~~

21 ~~(d) In adopting rules and regulations pursuant to this~~
22 ~~section, Section 40124, and this division, including, but not~~
23 ~~limited to, Part 2 (commencing with Section 40900), the~~
24 ~~board shall provide guidance to local enforcement~~
25 ~~agencies on any conditions and restrictions on the~~
26 ~~utilization of alternative daily cover so as to ensure proper~~
27 ~~enforcement of those rules and regulations.~~

28 SEC. 2. Notwithstanding Section 17610 of the
29 Government Code, if the Commission on State Mandates
30 determines that this act contains costs mandated by the
31 state, reimbursement to local agencies and school
32 districts for those costs shall be made pursuant to Part 7
33 (commencing with Section 17500) of Division 4 of Title
34 2 of the Government Code. If the statewide cost of the
35 claim for reimbursement does not exceed one million
36 dollars (\$1,000,000), reimbursement shall be made from
37 the State Mandates Claims Fund.

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